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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,252	03/29/2004	John W. Rohrer		2743

7590 08/27/2007  
John W. Rohrer  
Rohrer Technologies, Inc.  
5 Long Cove Rd.  
York, ME 03909

EXAMINER
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BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/812,252

Applicant(s)

ROHRER, JOHN W.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2 and 4-11 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

1. The request filed on 5 June 2007 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/812,252 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. The changes to the claims are agreed with and the objections to under 35 U.S.C. 132(a) are removed.

### ***Specification***

3. The Examiner was in error in the Advisory dated 23 May 2007 where he stated "The changes to the specification are agreed with and the objections are removed.". Due to the case being in a final status when the amendment dated 27 April 2007 was sent in and due to this amendment not placing the case in condition of allowance the entire amendment was not entered including the changes to the specification. The Examiner recommends resubmitting the same changes to the specification as those in the amendment dated 27 April 2007 in your next response so they will be entered and

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these objections will be over come. As such the disclosure stands objected to because of the following informalities:

a. Reference number 10 is referred to as the "rearward extending sight line" (page 7 lines 20 and 25, Page 8 line 7), "horizontal plane upper surface" (page 8, lines 9 and 12), and "the upper horizontal rearward sight line extension surfaces" (Page 9, lines 1-2). One reference number cannot have two different part names. It causes confusion.

b. Reference number 11 is referred to as the "sight line" (page 7 lines 18, 22,) and the "horizontal plane surface" (Page 8, lines 9). One reference number cannot have two different part names. It causes confusion.

c. Reference numbers 16-17 have the same problem in the specification. They are called "levels", "sight lines" and "surfaces". The applicant needs to pick one name for each reference number and be consistent with it throughout the specification. One reference number cannot have two different part names. It causes confusion.

d. Reference number 1 is referred to as the "centerline forward extending hosel" (Page 7 line 9, Page 8, line 1) and the "forward hosel extension" (Page 7, line 14) and the "forward extending section" (Page 7, line 19, Page 8, line 10). One reference number cannot have two different part names. It causes confusion.

Due to the numerous names given to numerous reference numbers the examiner recommends the applicant go through the entire specification and ensure there is only one name give to each reference number.

***Drawings***

4. The changes to the specification are agreed with and the objections to the drawings under 37 CFR 1.83(a) are removed.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the limitation "said shaft connection" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim in that "a shaft connection" was not previously disclosed. The examiner suggests changing the word "said" to the word --a-- to remove this rejections.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb/ 22 August 2007



**STEPHEN BLAU**  
**PRIMARY EXAMINER**